

# EXHIBIT 18

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

6 IN RE: NATIONAL : HON. DAN A.  
PRESCRIPTION OPIATE : POLSTER  
LITIGATION :  
7 :  
APPLIES TO ALL CASES : NO.  
8 : 1:17-MD-2804  
:

- HIGHLY CONFIDENTIAL -

SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

January 16, 2019

Videotaped deposition of KEVIN MITCHELL, taken pursuant to notice, was held at the Doubletree Resort by Hilton, 2400 Willow Street Pike, Lancaster, Pennsylvania, beginning at 9:34 a.m., on the above date, before Michelle L. Gray, a Registered Professional Reporter, Certified Shorthand Reporter, Certified Realtime Reporter, and Notary Public.

GOLKOW LITIGATION SERVICES  
877.370.3377 ph | 917.591.5672  
deps@golkow.com

1 employment at Frito Lay was what?

2 A. I think it was June of  
3 2000 -- 2000.

4 Q. And why did you leave that  
5 position?

6 A. I was terminated.

7 Q. For what reason?

8 A. I was moving into a role  
9 other than the one that I was in, and  
10 word got out that I was moving before  
11 that actually happened. And so they  
12 terminated me because word got out,  
13 although it didn't get out by me.

14 Q. I'm not sure I entirely  
15 follow. Word got out that you were  
16 moving from one position to another, and  
17 they fired you for that?

18 A. Correct. I was told not to  
19 say anything. I did not say anything.  
20 Someone else -- it got out, and I got  
21 accused of saying it, so they let me go.

22 Q. And what was your next  
23 position after leaving Frito Lay?

24 A. I went to work at Rite Aid

1       in September of 2000 as pharmacy support  
2       manager.

3           Q.       Was there a period of time  
4       where you were out of work between the  
5       Frito Lay job and Rite Aid?

6           A.       Yes, sir.

7           Q.       How many months?

8           A.       From June to September. So  
9       three months.

10          Q.       And what were your  
11       responsibilities as pharmacy support  
12       manager?

13          A.       To provide liaison between  
14       the pharmacy distribution centers and  
15       regulatory agencies, such as DEA, FDA,  
16       cigarette, tobacco, auditors from  
17       different states, and process  
18       improvement.

19          Q.       Did you actually manage some  
20       employees in that position?

21          A.       I did not.

22          Q.       How did you receive training  
23       to -- for your new job?

24                    MS. MCENROE: Objection to

1 form.

2 MR. SIMMER: Strike that.

3 BY MR. SIMMER:

4 Q. Did you receive any training  
5 for your new job?

6 A. Yes, I did.

7 Q. What kind of training did  
8 you receive?

9 A. The former deputy director  
10 of DEA, Ron Buzzeo, who owned his own  
11 company, Buzzeo PDMA, actually came to  
12 the Perryman, Maryland distribution  
13 center and performed audits, training me  
14 to do the same.

15 Q. So were you working out of  
16 the Perryman facility at that time?

17 A. No, sir.

18 Q. Where were you working out  
19 of?

20 A. Rite Aid headquarters.

21 Q. And where were they?

22 A. Camp Hill, Pennsylvania.

23 Q. Did you receive any written  
24 materials as part of this training?

1 chain regulatory compliance, you  
2 understand that the DEA required that  
3 Rite Aid prevent diversion?

4 MS. MCENROE: Objection to  
5 form.

6 THE WITNESS: Yes, sir.

7 BY MR. SIMMER:

8 Q. And based on your work and  
9 experience, you are familiar with the  
10 concept of a "suspicious order" in the  
11 context of controlled substances?

12 MS. MCENROE: Objection to  
13 form.

14 THE WITNESS: Yes, sir.

15 BY MR. SIMMER:

16 Q. And what does it mean?

17 A. Suspicious would be  
18 anything, just that, suspicious.

19 Q. Can you clarify what you  
20 mean by a suspicious order?

21 A. Anything abnormal.

22 Q. Where did you gain your  
23 understanding about what a suspicious  
24 order was?

1                   A.     Through training with Ron  
2     Buzzeo.

3                   Q.     Would that be only at the  
4     conferences that you attended?

5                   A.     It really started when Ron  
6     came to train me two months into my  
7     employment.

8                   Q.     Back in 2000?

9                   A.     Yes, sir.

10                  Q.     How extensive was that  
11     training with Mr. Buzzeo?

12                  A.     I like to think it was  
13     pretty extensive. We spent three or  
14     four days together going through his  
15     checklist, not just auditing, but  
16     explaining really what the spirit of the  
17     regulations mean, and then how to ensure  
18     that, you know, as a registrant that they  
19     were doing the things needed to do to be  
20     compliant with all the rules and  
21     regulations set forth.

22                  Q.     So let me clarify this. You  
23     received three or four days of training  
24     in 2000 when you first began working for

1 Rite Aid, correct?

2 A. That's correct, sir.

3 Q. Did you have any additional  
4 training with Mr. Buzzeo up until those  
5 conferences you talked about, that you  
6 attended later?

7 A. Yes.

8 Q. And what kind of training  
9 did you receive from Mr. Buzzeo in that  
10 interval in between?

11 A. Just the exact same things.

12 Q. He came back?

13 A. Yes, sir.

14 Q. And trained you  
15 additionally?

16 A. We worked together  
17 additionally, yeah. So I can give you an  
18 example. When I first got there, in --  
19 well, 2000 -- in November 2000 Ron and I  
20 performed the training. He performed the  
21 training with me. The results were what  
22 they were.

23 And I invited him to come  
24 back in six months and do a re-audit and,

1 you know, give us a chance to treat  
2 our -- address any deficiencies so that  
3 six months from now when you come back,  
4 you should see a different story.

5 So four months after the  
6 fact I called Ron and invited him back  
7 and told him we were ready.

8 Ron came back a week or two  
9 after our phone call and conducted  
10 another audit. He conducted the audit  
11 with me there, again asking questions,  
12 trying to continue to learn and found no  
13 deficiencies.

14 Q. So what was he auditing when  
15 he came back the second time?

16 A. Could you rephrase? I'm  
17 sorry.

18 Q. You said he conducted a  
19 re-audit. What was he actually auditing?

20 A. The control drug cage and  
21 all the processes, the SOPs, biennial  
22 inventories, you name it --

23 Q. At Perryman?

24 A. -- accountability -- yes,

1       sir, at Perryman.

2                   Q.     Okay. So when he first  
3     trained you in 2000, he actually  
4     conducted an audit of Perryman at that  
5     time?

6                   A.     Yes, sir.

7                   Q.     I take it that that wasn't a  
8     positive audit?

9                   A.     That would be correct, sir.

10                  Q.     What were the deficiencies  
11    that you recall he noted in -- in 2000?

12                  A.     I -- I don't recall  
13    individual.

14                  Q.     Was there a written report  
15    that he prepared?

16                  A.     Yes, sir.

17                  Q.     And is that something that  
18    the company retained in its records as  
19    far as you know?

20                  A.     I would assume but I do not  
21    know for sure.

22                  Q.     When he came back, I guess  
23    was it four months or six months later?

24                  A.     Four months.